

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-20-07
COUNTRY HOME ESTATES
MAY 21, 2020

I. GENERAL INFORMATION

A. Project Description

The proposal is for preliminary plat approval of an 8 residential lot subdivision. The property will be served by individual septic systems and a community well. The property is located at 575 and 585 Hodgson Road near Columbia Falls, MT.

B. Project Personnel

i. Owner

BB Development Company, LLC
1079 Hodgson Road
Columbia Falls, MT 59912

ii. Tech. Representative

406 Engineering, Inc
35 8th Street East
Kalsipell, MT 59901

C. Application Review Dates

1. Land Use Advisory Committee/Council

The proposal is not located within the jurisdiction of a Land Use Advisory Committee.

2. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on June 10, 2020 at the Trade Center Building at the Flathead County Fairgrounds and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

3. Commission

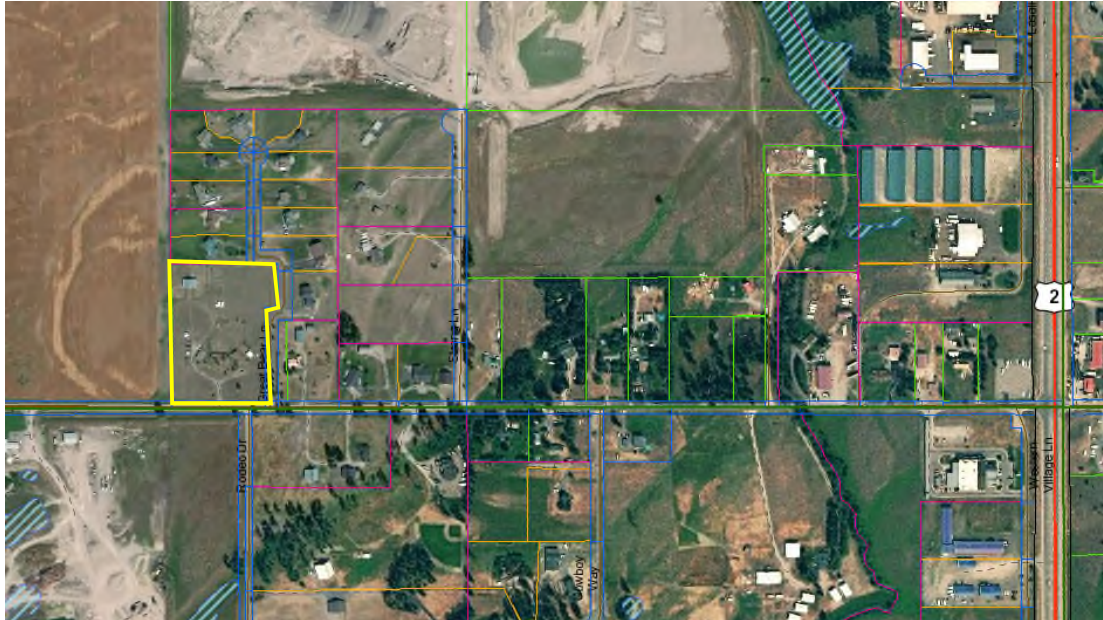
The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to July 21, 2020 which is the end of the 60-working day statutory review period.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Property

The subject property is 6.25 acres in size and is located 575 and 585 Hodgson Road near Columbia Falls, Montana. The property can legally be described as Tract 1ABA in the Southwest ¼ of Section 23, Township 30 North, Range 21 West P.M.M Flathead County, MT.

Figure 1: Aerial of subject property outlined in yellow



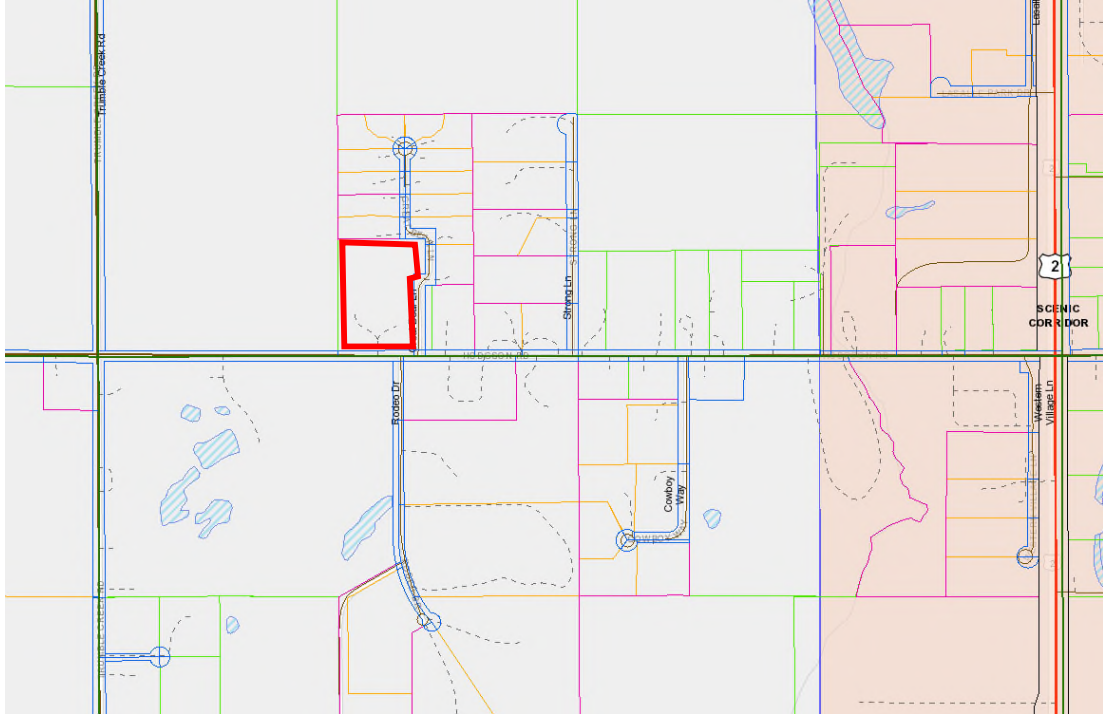
B. Subdivision Layout Detail

| | |
|---|------------------------|
| 1. Total Subdivision Acreage: | 6.25 acres |
| 2. Acreage in Lots: | 5.28 acres |
| 3. Acreage in Roads: | 0.97 acres |
| 4. Total Park/Common Area/Open Space Acreage: | 0.00 acres |
| 5. Minimum Lot Size: | 1.03 acres |
| 6. Maximum Lot Size: | 0.62 acres |
| 7. Density: | 1 units per 0.78 acres |

C. Current Land Use and Zoning

The property is currently developed with two houses, a barn and other accessory structure. The property is not zoned.

Figure 2: Surrounding zoning, subject property outlined in red



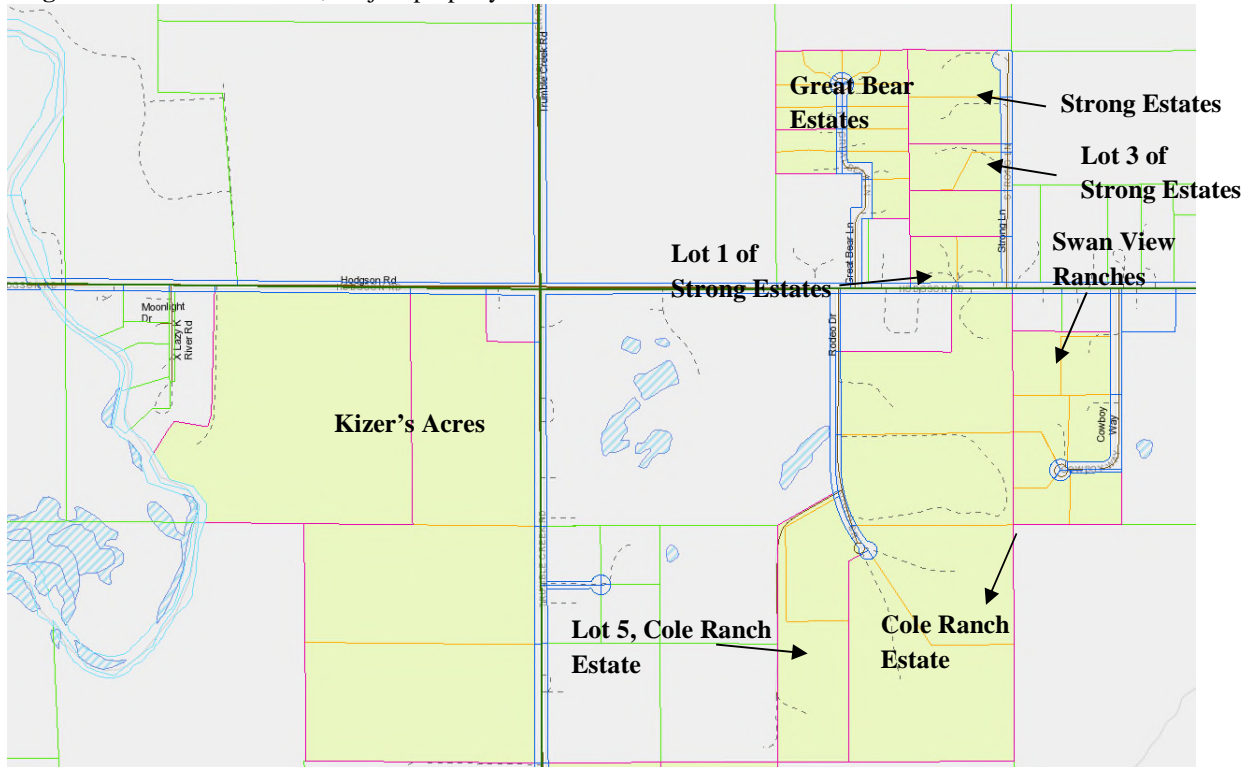
D. Proposed Land Use

The proposed subdivision would create 8 residential lots. The applicant is proposing no common area/open space and the internal subdivision road will run through the middle of the subdivision.

E. Previously Considered Subdivisions in Area

| Subdivision Name (year approved) | Type | Total Lots | Average Lot Size |
|---|-------------|-------------------|-------------------------|
| Kiser's Acres (1994) | Residential | 4 | 20.0 acres |
| Cole Ranch Estates (1995) | Residential | 5 | 14.9 acres |
| Lot 5, Cole Ranch Estates (2016) | Residential | 2 | 6.6 acres |
| Swan View Ranches (2017-19) | Residential | 7 | 2.18 acres |
| Strong Estates (2003) | Residential | 5 | 3.45 acres |
| Lot 1 of Strong Estates (2005) | Residential | 2 | 1.73 acres |
| Lot 3 of Strong Estates (2007) | Residential | 2 | 1.73 acres |
| Great Bear Estates (2006) | Residential | 13 | 1.06 acres |

Figure 3 - Area subdivisions, subject property shown in red



F. Utilities and Services

- 1. Wastewater:** Individual Wastewater Treatment systems
- 2. Water:** Community Well
- 3. Solid Waste:** North Valley Refuse
- 4. Schools:** Columbia Falls School District
Columbia Falls High School District
- 5. Fire:** Columbia Falls Rural Fire District
- 6. Police:** Flathead County Sheriff

III. COMMENTS RECEIVED

A. Agency Comments

1. Referrals were sent to the following agencies on April 27, 2020:
 - Flathead County Road and Bridge
 - Flathead County Solid Waste
 - Flathead City-County Environmental Health Department
 - Columbia Falls Rural Fire District
 - Columbia Falls School District
 - Columbia Falls High School District
 - Montana Fish Wildlife and Parks
 - Flathead County Weeds and Parks Department

- Montana Department of Natural Resources and Conservation
 - Flathead Conservation District
 - Flathead County Address Coordinator/GIS Department
 - Bonneville Power Administration
 - Montana Department of Environmental Quality
 - Flathead County Sheriff
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Flathead County Road and Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated April 29, 2020.
 - Flathead County Solid Waste
 - Comment: “The District requests that all new subdivisions use a private hauler to bring solid waste to the landfill. The outlying green box sites should not be primary method of solid waste disposal. North Valley Refuse is the (PSC) Public Service Commission licensed hauler in this area.” Letter dated April 29, 2020
 - Bonneville Power Administration
 - Comment: “At this time, BPA does not object to this request, as the property is located 0.92 miles away from any BPA transmission lines or structures.” Email received April 30, 2020
 - Columbia Falls School District
 - Comment: “At this time we provide bus service in this area. Our stop is at the intersection of Hodgson and Great Bear.” Email received May 4, 2020
 - Flathead City-County Environmental Health Department
 - Comment: “The proposal required review under Sanitation in Subdivisions and is subject to review under Title 76-4, Part 1, MCA. This review addresses water supply, wastewater disposal, storm drainage, and solid waste disposal.” Letter dated May 5, 2020
 - Glacier Park International Airport
 - Comment: “The Flathead Municipal Airport Authority (FMAA) has reviewed the preliminary plat of 8 residential lots for the Country Home Estates Subdivision and stands opposed.
 - “The Country Home Estates Subdivision is located in the Airport Affected Area approximately 1.6 miles northwest from Glacier Park International Airport’s (GPIA) Runway 02/20. This location lies beneath the KILLY ONE DEPARTURE PROCEDURE for the primary runway and is the most utilized departure procedure at the Airport. Subsequently, residents of this property will be exposed to numerous aircraft departures, at low altitudes during all hours, producing fumes from exhaust, dust, particles, light, vibrations, and substantial aircraft noise.
 - “Although the property is not located with the 65DNL noise contour,

residential developments along with places of worship, public gathering, and education are highly incompatible land uses near airports. Incompatible developments restrict airport operations which often results in a negative indirect impact to the local economy and public good.

- “Should the plat be approved, the FMAA advises the following actions to be taken:
- “Per Title 14 Code of Federal Regulations (CFR) Part 77, the property owner shall be required to submit a 7460-1 Notice of Proposed Construction or Alteration via <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> prior to modifying or developing the property, if such modifications penetrate an imaginary plane sloped at a ratio of 100:1 beginning at the pavement edge of the nearest runway. Any proposed heights of structures, temporary equipment, and objects of natural growth that penetrates, will require the sponsor to acquire a determination of no hazard from the Federal Aviation Administration (FAA) pursuant to 14 CFR Part 77.13.
- “This property is located within the 10,000’ hazardous wildlife buffer pursuant to FAA Advisory Circular 150/5200-33B Hazardous Wildlife Attractants on or Near Airports and may be subject to special considerations contained therein. The property owner/s shall not create a wildlife hazard to aircraft operators defined in AC 150/5200-33B as a result of the proposed development.
- “The following language shall be permanently noted on the plat advising all current and future property owners of impacts and restrictions subsequent to the proximity and orientation of the property in relation to GPIA:
 - *“This property is located along the departure corridor of Glacier Park International Airport’s (GPIA) Runway 02 and is subject to numerous daily aircraft operations at altitudes lower than 500 feet Above Ground Level (AGL). Subsequently, this property may be exposed to fumes from exhaust, dust, particles, light, vibrations, and substantial aircraft noise produced by landings, takeoffs, and training operations. Types of aircraft overflying this property may include large commercial jet aircraft, military aircraft, small and medium general aviation piston, turboprop, and jet aircraft, helicopters, wildland firefighting aircraft, et. al.*
 - *“In addition to the previously mentioned impacts, this property shall comply with federal requirements regarding airspace limitations pursuant to Title 14 Code of Federal Regulations (CFR) Part 77 and wildlife hazard attractants defined in Federal Aviation Administration (FAA) Advisory Circular 150/5200-33. It is the responsibility of the owner of this property to continuously ensure compliance with current*

and future regulatory requirements protecting aircraft operations and the safe and efficient use of the navigable airspace.

- “A Standard Avigation and Hazard Easement (see attached) shall be made a condition of the plat approval for Country Home Estates Subdivision.”
Letter received May 19, 2020

B. Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on May 20, 2020, legal notice was published in the Daily Interlake on May 24, 2020, and notice of the proposal and public hearing was physically posted onsite on **May 20, 2020**.

As of the date of the completion of this staff report, no public comments have been received from the general public regarding the proposal. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed in Section 76-3-608(3) MCA and the review procedure outlined in Section 4.1 of the Flathead County Subdivision Regulations (FCSR), effective December 3, 2018.

1. Agriculture and Agricultural Water User Facilities

The soils report indicated that the property is not prime farmland. The property is not currently used for agriculture and according to the Environmental Assessment, “The history of agricultural production is unknown. In review of aerial photos of Google Earth and county septic permit records, this property has not been used for agricultural production since probably 1992 when the first home was constructed.”

The properties to the west are currently being used for agriculture and likely used to cultivate canola. It does not appear the proposal would impact the ability of neighboring properties to continue agricultural production. The evaluation of the Preliminary Plat, Environmental Assessment, and supporting documentation included with the application has identified no adverse impacts to onsite or area agriculture which would necessitate special mitigation.

As indicated in the submitted Environmental Assessment, there are no agricultural water works, wells, canals, irrigation ditches or pump houses onsite. The subject property is not developed with irrigation infrastructure, is not in an irrigation district or party to any irrigation agreements, and serves no irrigation water to adjacent or neighboring properties.

Finding #1 – The proposal appears to have minimal impact on agriculture and agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, is not party to any existing irrigation agreements and the soils is not considered prime farmland.

2. Local Services

a. Water and Wastewater Services

The application indicates, “The homes will be served by a new multi-user community well located in the northeast corner of the property. There are no proposed water supplies for fire protection. Each home is predicted to utilize about 200 gallons per day for domestic service. The irrigation use for each home is estimated to be about 1350 gallons of water per day (15 gpm for 1.5 hours each day).

“The plans to serve the subdivision with new multi-user community water system is a common approach. The multi-user well will limit the number of new individual wells (1 well versus 8 individual wells).”

The applicant is proposing to utilize individual septic systems on each of the 8 lots. The drainfields will be located at the rear of each lot. The project engineer has provided a non-degradation report which concludes, “The subdivision is acceptable for disposal of septic effluent and sewer flows as proposed for the project meeting DEQ non-degradation analysis requirements.”

Water and wastewater services for the proposed subdivision would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality. The impacts to existing water and wastewater services are anticipated to be minimal because the subdivision will utilize a community well and individual septic.

Finding #2 – The proposed water supply and wastewater services for the proposal appears to be appropriate because adequate water quantity and quality appears to exist proposed community well and the water and wastewater systems would be required to be reviewed and permitted by the Montana Department of Environmental Quality as applicable prior to their installation and operation.

b. Solid Waste Disposal

The developer is proposing contract haul as a mechanism for solid waste disposal as requested of all subdivisions by the Flathead County Solid Waste Department. North Valley Refuse will be the PSC responsible for solid waste disposal in this area.

Finding # 3 – Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management.

c. Roads

Primary access is via Hodgson Road. All lots will be accessed from paved internal subdivision road with 22-foot wide driving surfaces within a 60-foot right of way, which meets county standards. A road approach permit for access from Hodgson Road will be required by the Road and Bridge Department.

Hodgson Road is a two-lane paved County collector road within 60 foot easement. Hodgson Road connects Highway 2 with Whitefish Stage. Traffic counts for Hodgson Road indicate 1,724 average daily trips east of Trumble Creek Road. Single family dwellings typically generate approximately 10 ADT. The proposed

subdivision is likely to generate an additional 70 ADT. The proposal has the potential to increase traffic on Whitefish Stage by 4.1%. The Flathead County Road and Bridge Department had no concerns with the proposal.

Finding #4 – Impacts on area roads would appear to be acceptable as all internal subdivision roads and primary access roads will be paved and constructed to Flathead County standards and Hodgson Road can accommodate the additional 70 ADT.

d. Schools

The proposal is located in the Columbia Falls Elementary and Columbia Falls High School Districts. According to the 2017 Census Data there are 48,741 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2019 states there are 16,422 students enrolled in public, private and home schools. The total students (16,422) divided by the total households (48,741) equals approximately 0.34 students per household. Therefore, 7 additional lots could generate approximately 2 school age children.

The Columbia Falls Elementary School District has seen a decrease of 2% in the last ten years and 3% increase over the previous school year. The Columbia Falls High School District has seen a 9% decrease in the last ten years and a no change in student population over last year. The school districts expressed no concerns with the proposal.

e. Mail Delivery

The applicant states the mail boxes will be individual. The developer will be required to submit plans for review and written approval from the local postmaster as a condition of preliminary plat approval.

f. Recreation

Pursuant to Section 4.7.24 FCSR, parkland dedication is required for residential subdivision lots created that are less than five gross acres in size. Seven residential lots are between 1/2 and 1 acre in size which requires an amount of 7.5% of the combined gross area of the lots (5.21 acres) be dedicated as parkland, or 0.39 acres. One lot is between 1 and 3 acres in size which requires an amount of 5% of the combined gross area of the lots (1.03 acres) be dedicated as parkland, or 0.05 acres. The developer proposes to provide cash-in-lieu of creating an on-site park.

Section 4.7.24(f & h) allows cash-in-lieu of parkland dedication and, *“shall be the responsibility of the subdivider to provide satisfactory evidence of the parkland fair market value of the unimproved land. The subdivider shall provide a current appraisal from a Certified General Appraiser (CGA), dated no more than six months prior to final plat application submittal, to set the baseline value of the parkland cash donation. The appraisal fee shall be the responsibility of the subdivider. The Planning and Zoning Office shall determine the actual parkland donation based on the baseline appraisal at that time.”*

The Flathead County Trails Plan designates Hodgson Road as proposed collector therefore a bicycle and pedestrian easement will be required along the south side of

the subject property, running parallel to Hodgson Road, in accordance with Section 4.7.19 of the subdivision regulations.

Finding #5 – Impacts on local services with regard to schools, recreation and mail delivery would appear to be acceptable as the proposed subdivision would add approximately two school age children, the applicant is proposing individual mailboxes, and cash-in-lieu of parkland dedication and bike/pedestrian trail easement are required.

3. Public Health And Safety

a. Storm Water Drainage

The submitted application includes a conceptual plan for the management of stormwater. The Environmental Assessment states, “The methods used to mitigate water generated from impervious surfaces will include construction of lawn and landscaping, retention facilities near home sites, and diversion of storm water from impervious surfaces to undisturbed areas. Storm water calculations are included in the storm water report included in the preliminary plat application.”

According to the soils report, the soil type located on site is classified as well drained and not prone to flooding or ponding. The property will also utilize road side swales to capture increased runoff post-development to ensure no additional flow offsite.

Finding #6 – Impacts from storm water run-off will be acceptable because the existing soils are well drained, the proposed storm drainage calculation and retention areas appear to meet or exceed DEQ requirements.

b. Fire/Emergency Medical Services

The proposed subdivision is located within the Columbia Falls Rural Fire District. The nearest fire station is located on U.S. Highway 2 approximately 2.0 road miles northeast of the subject property. Because of the proximity to the proposed subdivision, the anticipates a response time would be minimal. No comments were received from the fire department regarding this request.

It is not anticipated the proposed subdivision would overburden the district as the site is within an acceptable distance to the fire station with access to each site. Ambulance service would be available to serve the proposed subdivision, as well as ALERT service by the Kalispell Regional Medical Center.

c. Police Services

The property is located outside city limits and will be served by the Flathead County Sheriff. The Sheriff’s Department did not respond to a request for comments. Given existing staffing, the size of the County and the dispersed nature of the population, police services to this subdivision are anticipated to be consistent with other areas of Flathead County.

Finding #7 – Impacts on fire/medical and police services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Columbia Falls Rural Fire District and Flathead County Sheriff’s Department in the event of an emergency.

d. Impact of Noise

It is estimated that the development of the subdivision would generate noise during construction of the subdivision and minimal noise during development of the lots. No noise beyond what is typical for a residential area is anticipated as a result of the proposed subdivision. The proposed residential use is not anticipated to generate permanent continuous noise impacting area residents or wildlife.

e. Air Quality

Primary access to the subdivision occurs via Hodgson Road which is a paved County roadway. All internal lots are accessed via proposed paved subdivision roads. The applicant has submitted a "Dust Control Plan" compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

Finding #8 – Adverse impacts to air quality and of noise are anticipated to be acceptable with standard conditions as all roads accessing the subdivision are already paved, a Dust Abatement Plan was provided to mitigate potential issues of dust during construction and impacts of noise are not expected to extend beyond property lines.

f. High Voltage Electric Lines/High Pressure Gas Lines

BPA comment states, "At this time, BPA does not object to this request, as the property is located 0.92 miles away from any BPA transmission lines or structures." There are no high pressure gas lines or high voltage electrical lines on the subject property.

Finding #9 – The proposal does not appear to have an impact on high voltage electric lines or high pressure gas lines because the property is not located near high voltage electric lines or high pressure gas lines.

g. Airport Influence Areas

The subject property is located approximately 1.6 miles from Glacier Park International Airport property. Comment received from the Flathead Municipal Airport Authority opposed to the proposal and reference several concerns when a proposed subdivision is in close proximity. The comments reference the need of current owner/s and real estate agents to disclose the proximity to the airport and what the property is exposed to and the potential need to submit a 7460-1 Notice of Proposed Construction or Alteration concerning heights of structures or temporary equipment.

Finding #10 – Risk to public health and safety appear to exist due to the close proximity of the proposed subdivision to the airport, but impacts are anticipated to be minimal because statements concerning the proximity of the subdivision to the airport will be conditioned to be placed on the final plat.

4. Natural Environment

a. Soils

According to NRCS soils data, the soils on the subject property consist of Mires gravelly loam (Mg) with 0 to 3 percent slopes. According to the soil survey, the Mg soil classification is not considered prime farmland and is well drained.

b. Geologic/Avalanche Hazards

The subject property is located in a relatively flat area. According to the Environmental Assessment submitted with the application materials, there is no known geological hazards that exist within the subject property. The subdivision is not located in an area of the county considered to be prone to avalanche hazards.

Finding #11 – Minimal risks to public health and safety are anticipated because there are no apparent hazards associated with geology or avalanche and the soils on the subject property appear to be appropriate to support the future infrastructure.

c. Flora

A search conducted by the Montana Natural Heritage Program identified this general area of the County may contain 9 plant species of concern. The species of concern in the vicinity include; Meadow Horsetail, Deer Indian Paintbrush, Latah Tule Pea, Kalm's Lobelia, Spalding's Catchfly, Sparrow's-egg Lady's-slipper, Slender Cottongrass, and Short-beaked Aloe Moss.

Most of the habitat for flora species of concern is not found on-site. Deer Indian Paintbrush are located in wetlands/riparian areas and Corville Indian Paintbrush are found on subalpine slopes. Latah Tule Pea and Sparrow's-egg Lady's-slipper are found in forests. Slender Cottongrass and Kalm's Lobelia are typically found in fens. Short-beaked Aloe Moss is found on calcareous soil, on overturned tree bases and may also be a pioneer species on roadcuts and riverbanks. Meadow Horsetail are found in moist woods and meadows shallow water of seeps, swamps, and stream margins.

The Spalding's Catchfly habitat is open, mesic grasslands in the valleys and foothills usually with rough fescue, Nelson's needlegrass, Richardson's needlegrass and Idaho fescue. The Environmental Assessment states, "The property contains some residential landscaping with trees, shrubs, and lawn. The rest of the property contains grasses and likely some weeds. There are no critical plant communities that have been identified."

Most noxious weeds thrive when soil is disturbed. Some can grow from root parts, as well as seeds that become exposed. Pursuant to Section 4.7.25 FCSR the subdivision will be required to develop and implement a weed control plan approved by the Flathead County Weeds Department prior to final plat approval.

d. Riparian/Wetland Areas

The subject property does not contain any surface waters, wetlands or riparian areas.

e. Floodplain

According to FEMA FIRM Panel 30029C1410J, the subject property is mapped as unshaded Zone X. Zone X is defined as areas outside of the 0.2% annual chance flood hazard area.

Finding #12 – No impacts to the flora, riparian area, wetland and flood risks are anticipated on the subject property as there are no riparian area, wetlands or floodplain on the property, no plant species of concern are found on-site, and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

5. Wildlife and Wildlife Habitat

According to a search of the Montana Natural Heritage Program, 11 wildlife Species of Concern exist within the boundaries of Township 30 N, Range 21 W. These include the Hoary Bat, Little Brown Myotis, Grizzly Bear, Great Blue Heron, Brown Creeper, Evening Grosbeak, Boblink, Pileated Woodpecker, Westslope Cutthroat Trout, Pygmy Whitefish, and Bull Trout. Hoary Bat, and Great Blue Heron habitat is riparian forest which is present on-site. Westslope Cutthroat, Pygmy Whitefish, and Bull Trout are found in lakes, rivers and streams. Grizzly Bear, Brown Creeper, Evening Grosbeak, and Pileated Woodpecker are found in conifer forests. Bobolink prefer moist grassland Little Brown Myotis are generalist. Montana Fish Wildlife and Parks did not provide comment on the proposal.

The property is already developed with two houses and several accessory buildings. According to the EA, “It is also adjacent to a 13-lot subdivision to the north and east with 1-acre sized parcels. There is no known wildlife habitat to protect and enhance.”

Finding #13 – The proposed subdivision will likely have minimal impact on wildlife and wildlife habitat because the property is already developed with two houses and accessory buildings, Fish Wildlife and Parks did not provide comment and the property does not provide habitat for most of the listed species of concern.

6. Historical Features

The applicant contacted the State Historical Preservation Office (SHPO) which has no record of any historical or culturally significant use on the subject property. There does not appear to be any historic, archeological, or cultural sites on the subject property.

Finding #14 – The proposed subdivision will not adversely impact historical features because there are no known known historic, archeological, or cultural sites on the subject property.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #15 – The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations and Review Procedure

1. Requested Variances

No variances have been requested with this application.

2. Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

February 28, 2020

ii. Application Deadline Date (6 months from pre-application)

August 28, 2020

iii. Application Submittal Date

April 6, 2020

iv. Completeness Date

April 9, 2020

v. Sufficiency Date

April 27, 2020

vi. Agency Referral Requests Mailing Date

April 27, 2020

vii. Adjacent Property Notification Mailing Date

May 20, 2020

viii. Legal Notice Publication Date

May 24, 2020

ix. On-site Posting of Public Hearing Date

May 26, 2020

Finding #16 – The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.

D. Provision of Easements for the Location and Installation of Planned Utilities

Finding #17 – The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

E. Provision of Legal and Physical Access to Each Parcel

As shown on the preliminary plat, primary access to the lots within the subdivision would be from internal subdivision road via Hodgson Road. Hodgson Road will provide physical access to the subdivision. As previously stated, Hodgson Road is a paved, county collector, within a 60-foot right-of-way. A new approach permit through Flathead County Road and Bridge Department will ensure the subdivision will have compliant legal and physical access from Hodgson Road.

Finding #18 – The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it because the internal subdivision road will be designed and paved to meet Flathead County Road Standards and the applicants will be required to contact the Flathead County Road and Bridge Department for approach permit for Hodgson Road.

F. Review of Applicable Plans

76-1-605(2)(b) M.C.A states that *A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.* Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

1. Neighborhood Plan

The proposed subdivision is not located within a neighborhood plan area.

2. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of M.C.A. 76-1-601, and was adopted on October 12, 2012. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy (M.C.A.76-1-606). This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

G. Compliance with Local Zoning

The proposed subdivision is not located in a zoned area.

Finding #19 – The proposal generally complies with applicable plans because the property is not zoned, is not located in a neighborhood plan area and the proposal conforms to the regulations used in the review of subdivision in Flathead County.

V. SUMMARY OF FINDINGS

1. The proposal appears to have minimal impact on agriculture and agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, is not party to any existing irrigation agreements and the soils is not considered prime farmland.
2. The proposed water supply and wastewater services for the proposal appears to be appropriate because adequate water quantity and quality appears to exist proposed community well and the water and wastewater systems would be required to be reviewed and permitted by the Montana Department of Environmental Quality as applicable prior to their installation and operation. [Condition 6]
3. Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management. [Conditions 9 & 12d]
4. Impacts on area roads would appear to be acceptable as all internal subdivision roads and primary access roads will be paved and constructed to Flathead County standards and Hodgson Road can accommodate the additional 70 ADT. [Condition 4 & 5]
5. Impacts on local services with regard to schools, recreation and mail delivery would appear to be acceptable as the proposed subdivision would add approximately two school age children, the applicant is proposing individual mailboxes, and cash-in-lieu of parkland dedication and bike/pedestrian trail easement are required. [Condition 8 & 18]
6. Impacts from storm water run-off will be acceptable because the existing soils are well drained, the proposed storm drainage calculation and retention areas appear to meet or exceed DEQ requirements. [Conditions 6 & 14]
7. Impacts on fire/medical and police services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Columbia Falls Rural Fire District and Flathead County Sheriff's Department in the event of an emergency.[Condition 2]

8. Adverse impacts to air quality and of noise are anticipated to be acceptable with standard conditions as all roads accessing the subdivision are already paved, a Dust Abatement Plan was provided to mitigate potential issues of dust during construction and impacts of noise are not expected to extend beyond property lines. [Conditions 10 & 12c]
9. The proposal does not appear to have an impact on high voltage electric lines or high pressure gas lines because the property is not located near high voltage electric lines or high pressure gas lines.
10. Risk to public health and safety appear to exist due to the close proximity of the proposed subdivision to the airport, but impacts are anticipated to be minimal because statements concerning the proximity of the subdivision to the airport will be conditioned to be placed on the final plat.
11. Minimal risks to public health and safety are anticipated because there are no apparent hazards associated with geology or avalanche and the soils on the subject property appear to be appropriate to support the future infrastructure.
12. No impacts to the flora, riparian area, wetland and flood risks are anticipated on the subject property as there are no riparian area, wetlands or floodplain on the property, no plant species of concern are found on-site, and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval. [Conditions 3 & 12e]
13. The proposed subdivision will likely have minimal impact on wildlife and wildlife habitat because the property is already developed with two houses and accessory buildings, Fish Wildlife and Parks did not provide comment and the property does not provide habitat for most of the listed species of concern.
14. The proposed subdivision will not adversely impact historical features because there are no known known historic, archeological, or cultural sites on the subject property.
15. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval. [Condition 13]
16. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018. [Condition 16]
17. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations. [Condition 16]
18. The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it because the internal subdivision road will be designed and paved to meet Flathead County Road Standards and the applicants will be required to contact the Flathead County Road and Bridge Department for approach permit for Hodgson Road.

19. The proposal generally complies with applicable plans because the property is not zoned, is not located in a neighborhood plan area and the proposal conforms to the regulations used in the review of subdivision in Flathead County.

VI. CONCLUSION

In accordance with the provisions of Section 4.5.7 of the Flathead County Subdivision Regulations, a review and evaluation of the preliminary plat application has been completed by the staff of the Flathead County Planning and Zoning Office. The proposed subdivision appears to generally comply with the subdivision review criteria, pursuant to the Findings of Fact. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, Findings of Fact and Conditions of Approval attached should be adopted.

VII. CONDITIONS OF APPROVAL

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv) and 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Columbia Falls Rural Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b) FCSR and Finding of Fact (FOF) 7]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR and FOF 12]
4. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the *Flathead County Minimum Standards for Design and Construction*, as applicable. [Sections 4.7.16, 4.7.17 FCSR and FOF 4]
5. With the application for final plat, the developer shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR and FOF 4]
6. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23 FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20 and 4.7.21 FCSR and FOFs 2 & 6]

8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR and FOF 5]
9. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR and FOF 3]
10. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 8]
11. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
12. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23 FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 8]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR and FOF 3]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25 FCSR and FOF 12]
13. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A. and FOF 15]
14. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.) FOF 6]

15. All required improvements shall be in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
16. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR and FOF 16 & 17]
17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

18. A 15-foot bike/pedestrian path easement of shall be shown on the face of the final plat along Hodgson Road. [Sections 4.7.19 FCSR and FOF 5]
19. Cash-in-lieu of parkland dedication shall be submitted with the final plat. [FOF 5]
20. The following statements shall be placed on the face of the final plat applicable to all lots:
 - f. *This property is located along the departure corridor of Glacier Park International Airport's (GPIA) Runway 02 and is subject to numerous daily aircraft operations at altitudes lower than 500 feet Above Ground Level (AGL). Subsequently, this property may be exposed to fumes from exhaust, dust, particles, light, vibrations, and substantial aircraft noise produced by landings, takeoffs, and training operations. Types of aircraft overflying this property may include large commercial jet aircraft, military aircraft, small and medium general aviation piston, turboprop, and jet aircraft, helicopters, wildland firefighting aircraft, et. al.* [FOF 10]
 - g. This property shall comply with federal requirements regarding airspace limitations pursuant to Title 14 Code of Federal Regulations (CFR) Part 77 and wildlife hazard attractants defined in Federal Aviation Administration (FAA) Advisory Circular 150/5200-33. It is the responsibility of the owner of this property to continuously ensure compliance with current and future regulatory requirements protecting aircraft operations and the safe and efficient use of the navigable airspace. [FOF 10]

Planner: EKM